

Appl. No 10/614,261  
Amdt. Dated Aug. 22, 2008  
Reply to Notice Of Non-Compliant Amendment of Aug. 18, 2008

### REMARKS

#### **A. Status of the Claims**

Claims 18-33 are currently pending. Claims 18-25 have been withdrawn. Claims 26 and 31 – 33 have been canceled. Claims 27 – 30 have been amended in response to Examiner's rejection. Reconsideration and further examination are respectfully requested.

#### **B. The 35 U.S.C. § 103 Rejection**

The Examiner has rejected claims 26-33 under 35 U.S.C. § 103(a) as being unpatentable over Ivey et al. (US 5,793,357) in view of Agilent Technologies Technical Data Sheet for the HDNS-2000. Applicant has canceled claims 26 and 31 – 33 and respectfully traverses the rejection of claims 27 – 30.

The Examiner has indeed presented an example of computer control by means of a laser produced speckle pattern from a surface in the art of Ivey et. al. For this reason, applicant has canceled claims 26 and 31 – 33. However, Ivey does not disclose a rigid body comprised of a laser and a speckle pattern producing means moving as an intact unit whereby the motion of such an intact whole unit is optically-sensed by a digital autocorrelation chip mounted on a second rigid body. In Ivey, col. 6, lines 1-11, refer to the motion of speckle pattern moving in correspondence to a surface moving relative to a laser illuminated spot 167 projected in the moving surface. The laser beam, hence the spot and the surface are not moving as an intact rigid body as is shown in Fig. 1 of Ivey. Therefore amended claim 27 cannot be denied because of the prior art of Ivey et. al. nor Agilent because neither parties anticipated the inventive arrangement proposed in the present invention.

In regards to claim 28, the art cited by the Examiner in (col. 4, lines 40-42) refers to Fig. 1 of Ivey et. al. In Fig. 1, a body having surface 8 moves relative to the rigid assembly of the

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laser projector 2 and receiver 3. Thus, the speckle generating means does not move as a rigid intact unit relative to the detector. Ivey does not disclose such a novel inventive concept. Therefore, neither Ivey nor Agilent disclose the inventive arrangement of amended claim 28 of the present invention and said claim should not be rejected by their prior art.

In regards to claim 29, the art cited by the Examiner in (col 3, lines 1-11) refer to a rigid body comprised of the radiation source and the detector and interference means where the interference means moves relative to the radiation source and the detector. Ivey et. al. do not hereby disclose a rigid body comprised of a radiation source and a speckle pattern producing body or surface where the rigid body moves as an intact whole relative to the detection means. Therefore amended claim 29 should not be rejected by the prior art of Ivey et. al.

Thus, in regards to claim 30, Ivey taken in conjunction, albeit inventively, with Agilent do not disclose the first rigid unit of claim 27. Therefore amended claim 30 should not be rejected by the prior art of Ivey et. al.

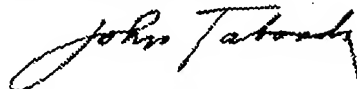
For the foregoing reasons, Applicant respectfully request that the §103 rejection of the amended claims 27 – 30 be withdrawn. Favorable reconsideration is requested.

#### **X. Conclusion**

In view of the above remarks, Applicant respectfully submits that all pending claims are in condition for allowance. Reconsideration of the application and claims is courteously solicited. Should the Examiner have any questions, comments or suggestions relating to the present patent application, the Examiner is invited to contact me at (210) 224-8876.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Taboada". The signature is fluid and cursive, with the first name "John" and last name "Taboada" clearly distinguishable.

John Taboada, Ph.D.

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